

REMARKS

Status of the Claims

Claims 11-13 are pending with Claim 11 being independent. Claim 11 has been amended. Support for the claim change can be found in the original disclosure, for example in Figures 7 and 10 and the accompanying description, and therefore no new matter has been added.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

Claim Rejection

Claims 11-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,339,620 (Yamagishi).

In response, while not conceding the propriety of the rejection, independent Claim 11 has been amended. Applicant submits that as amended, this claim is allowable for the following reasons.

Independent Claim 11 relates to an imaging apparatus comprising a photoelectric conversion area including a plurality of photoelectric converters, a controller, and an image processor. The controller is configured to continuously perform a plurality of image-taking operations at a plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is not shielded by a shutter, and continuously perform a plurality of dark capture operations at the plurality of different charge

accumulation times, respectively, in a state where the photoelectric conversion area is shielded by the shutter after completion of continuous performing the plurality of image-taking operations. The plurality of different charge accumulation times of the dark capture operations are equal to that of the image-taking operations. The image processor is configured to correct image data which is acquired in the plurality of image-taking operations with correction data which is acquired in the plurality of dark capture operations.

Claim 11 has been amended to recite that the controller does not perform the plurality of dark capture operations between one image-taking operation and the following image-taking operation of the plurality of image-taking operations.

In contrast, the citation to Yamagishi is not understood to disclose or suggest a controller a) that is configured to continuously perform a plurality of image-taking operations at a plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is not shielded by a shutter, and continuously perform a plurality of dark capture operations at the plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is shielded by the shutter after completion of continuous performing the plurality of image-taking operations, and b) that does not perform the plurality of dark capture operations between one image-taking operation and the following image-taking operation of the plurality of image-taking operations, as recited by amended Claim 11. Rather, the citation to Yamagishi is understood to perform dark capture operations between image-taking operations as shown in Figure 9 after switch SW2 is depressed in the continuous shot mode.

Since amended Claim 11 recites at least one feature not understood to be disclosed or suggested by the citation to Yamagishi, Applicant submits that the Office has not yet satisfied its burden of proof to establish the anticipation of amended Claim 11 over this citation. As a result, Applicant respectfully requests that the rejection of Claim 11 be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration, withdrawal of the outstanding rejections, and passage to issue of the present application.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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